

Remarks

Status of Claims

Claims 1-2 are currently pending. Claims 3-17 have been cancelled. Applicants reserve the right to pursue cancelled claims 3-17 in one or more continuation applications.

Claim Amendments

Claims 1 and 2 have been amended to recite that the Neogenin has an amino acid sequence of SEQ ID NO:1 or amino acids 1-1027 of chick Neogenin. Claim 2 has further been amended to correct the typographical error “at time” to “a” time. No new matter has been added as a result of these claim amendments.

Specification

The Examiner objects to the specification because of three informalities. Specifically, the Examiner says that the “Brief Description” of Figure 1 contains the following informalities. First, 1(B) states “RGM-A” instead of “RGM-AP”. Second, 1D states “200 pm” instead of “230 pm”. Third, 1(E) does not describe Figures 1E’, 1E” and 1E''' as labeled on the drawing.

Applicants wish to thank the Examiner for pointing out these informalities. Applicants have amended the “Brief Description” of Figure 1 to correct the issues with respect to 1(B) and 1(D). Applicants note that the issue with respect to Figures 1E’, 1E” and 1E''' was addressed in Applicants’ Supplemental Amendment filed on March 31, 2009. In view of these amendments, Applicants submit that this rejection is now moot and should be withdrawn.

Objections

Claim 2 was objected to for reciting the typographical error “for at time”. Applicants have corrected this phrase to read “for a time”.

Rejections Under 35 U.S.C. Section 112, Second Paragraph

Claims 1 and 2 are rejected under 35 U.S.C. Section 112, second paragraph, as being indefinite. With respect to claim 1, the Examiner says that the phrase “isolated mammalian RGM and an isolated mammalian Neogenin, having an amino acid sequence of at least 70% identity to SEQ ID NO:5” is not clear. While not agreeing with the Examiner, in order to expedite prosecution, Applicants have amended claim 1 to recite that “the isolated mammalian Neogenin has an amino acid sequence of SEQ ID NO:1 or amino acids 1-1027 of chick Neogenin”. Applicants submit that this amendment to claim 1 renders this rejection moot.

With respect to claim 2, the Examiner says that this claim is indefinite because it recites “SEQ ID NO:5” as corresponding to the amino acid sequence of Neogenin. The Examiner

notes that SEQ ID NO:1 is the correct sequence for Neogenin. Applicants appreciate the Examiner pointing out this error in the claims. Correction of SEQ ID NO:5 in both claims 1 and 2 has been made. In view of this amendment to claim 2, this rejection is now considered to be moot and should be withdrawn.

Rejections Under 35 U.S.C. Section 112, First Paragraph

Claims 1 and 2 are rejected under 35 U.S.C. Section 112, first paragraph. The Examiner notes that the specification is enabling a method for identifying an agent which modulates the binding of full-length RGMA or RGM B or amino acids 28-403 of chick RGM to full-length Neogenin, wherein Neogenin corresponds to amino acid sequence of SEQ ID NO:1 or a soluble ectodomain of chick Neogenin (amino acids 1-1027) and a method for monitoring the specific binding of the above molecules of RGM A/RGM B to Neogenin. The Examiner argues that the specification does not “reasonably” provide enablement for the identification of an agent that modulates the binding of RGM A or RGM B to any sequence comprising splice variants or homologues of Neogenin or having at least 70% identity to the amino acid sequence of SEQ ID NO:1 of Neogenin. Applicants respectfully traverse.

While not agreeing with the Examiner, in order to expedite prosecution, Applicants have amended claims 1 and 2 to remove the “at least 70% identity” language and to further include the language that the Neogenin has the sequence of amino acids 1-1027 of chick Neogenin. In view of these amendments to the claims, Applicants submit that the claims are sufficiently enabled and that this rejection is now moot and should be withdrawn.

Claims 1 and 2 are further rejected under 35 U.S.C. Section 112, first paragraph, as not complying with the written description requirement. On page 15 of the Office Action, the Examiner specifically states that “[W]ith the exception of wild type Neogenin of SEQ ID NO:1 and amino acids 1-1027 of chick Neogenin, demonstrating specific binding with full-length RGM A, RGM B or amino acids 28-403 of chick RGM, the skilled artisan cannot envision the detailed chemical structure of the encompassed polypeptides, and therefore conception is not achieved until reduction to practice has occurred, regardless of the complexity or simplicity of the method of isolation or production. Adequate written description requires more than a mere statement that it is part of the invention and reference to a potential method of isolating it.”. Applicants respectfully traverse.

While not agreeing with the Examiner, in order to expedite prosecution, Applicants have amended claims 1 and 2 to remove the “at least 70% identity” language and to further include the language that the Neogenin has the sequence of amino acids 1-1027 of chick Neogenin. In view of these amendments to the claims, Applicants submit that the claims are sufficiently enabled and that this rejection is now moot and should be withdrawn.

REQUEST FOR RECONSIDERATION

Reconsideration is respectfully requested. Applicants believe that the present application is in condition for allowance. Should the Examiner have any questions or would like to discuss any matters in connection with the present application, the Examiner is invited to contact the undersigned at

Polsinelli Shugart
Two Prudential Plaza
180 N. Stetson Avenue, Suite 4525
Chicago, IL 60601
(312)-873-3632 (Phone)
(312)-873-2932 (Fax)
lmueLLer@polsinelli.com

Date:

Direct telephone calls to:

Respectfully submitted,

/Lisa V. Mueller/

Lisa V. Mueller
Attorney for Applicant

Reg. No. 38,978
September 4, 2009

312.873.3632